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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,892	11/24/2003	Donna K. Hodges	BS030356	5145
7590 Scott P. Zimmerman P.O. Box 3822 Cary, NC 27519	07/26/2007		EXAMINER NELSON, FREDA ANN	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/720,892	HODGES ET AL.
	Examiner	Art Unit
	Freda A. Nelson	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 May 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-23 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2-23 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

The amendment received on May 4, 2007 is acknowledged and entered. Claims 2-15 have been amended. Claim 1 has been canceled. Claims 16-23 have been added. Claims 2-23 are currently pending

#### ***Response to Amendments and Arguments***

Applicant's arguments with respect to claims 2-23 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Examiner Note***

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 12-13, 15 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 12-13, 15, and 21-23, because the applicant has recited that users are permitted to negotiate and the applicant has not positively recited that users actually negotiate with other providers, the examiner takes the position that users do not negotiate with other communications networks to fulfill the request for communications service.

As per claims 22-23, the claim language is directed to a system, however, it appears that the applicant is claiming a method.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title".

2. Claims 15 and 21 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 15 and 21, as currently recited, appears to be directed to a computer program product (or data structure) which is nothing more than software or computer-executable instructions. Without reciting a computer-readable medium having

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said instructions embodied therein, said claim is considered to be directed to a non-statutory class of invention.

3. Claims 22-23 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, *or* composition of matter, *or* any new and useful improvement thereof" (emphasis added). Applicant's claims mentioned above are intended to embrace or overlap *two* different statutory classes of invention as set forth in 35 USC 101. The claims begin by discussing a system (ex. preamble of claims 22-23), the body of the claim discusses the specifics of the method executed by the system (see above rejection of claims under 35 USC 112, second paragraph, for specific details regarding this issue). "A claim of this type is precluded by the express language of 35 USC 101 which is drafted so as to set forth the statutory classes of invention in the alternative only", Ex parte Lyell (17 USPQ2d 1548).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 13-14, 17-18, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiedemann, Jr. et. al (US Patent Number 5,862,471).**

As per claim 13-14 and 21-22, Tiedemann, Jr. et al. discloses a method of and computer program product for providing communications services, comprising the steps of: receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service communicated via a communications network to a service provider (abstract); and permitting negotiation with other service providers of other communications networks to fulfill the request for communications service (abstract).

As per claim 17, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of billing the user for the communications service (col. 2, lines 46-49) .

As per claim 18, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of aggregating billing charges between the other service providers of the other communications networks (col. 2, lines 46-49).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 5-12, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. et. al (US Patent Number 5,862,471), in view of Guilford et al. (US PG Pub. 2002/0087674).**

As per claim 10-12, 15, 19-20, and 23, Tiedemann, Jr. et al. discloses a method, computer program product, and system for providing communications services, comprising the steps of:

receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service communicated via a communications network to a service provider (abstract); and

permitting negotiation with other service providers of other communications networks to fulfill the request for communications service (abstract).

Tiedemann, Jr. does not expressly disclose accessing a segmentation profile stored in memory, the segmentation profile containing user preferences for presenting billing charges from the other service providers of the other communications networks.

However, Guilford et al. disclose the wireless device using a table such as a routing table when in its home service area and in this aspect of the invention, the table downloaded to the wireless device includes various services within the home service provider portfolio of platforms offered and services offered by different network service providers operating within the same footprint as the home service provider (paragraphs [0022]-[0023], FIGS 7B)

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Guilford et al. do not expressly disclose that the segmentation profile contains preferences for presenting billing charges from another service provider of another communications network; communicating a single billing statement from a single service provider, the single billing statement aggregating billing charges between the other service providers of the other communications networks; and billing a credit card for the aggregated charges.

However, it is old and well known in the business art to provide users of communications services the flexibility of selecting a billing preference, such as, credit card/debit card or billing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et. al and Guilford et al. to include the feature of billing preferences to provide the users with the convenience of selecting how they want to be billed.

As per claim 5, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of billing the user for the communications service (col. 2, lines 46-49).

As per claims 6-8, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of aggregating billing charges between the other service providers of the other communications networks (col. 2, lines 46-49).

As per claim 9, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of providing the requested communications service (col. 2, lines 28-33).

**6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. et. al (US Patent Number 5,862,471), in view of Daniels (US Patent Number 6,058,301).**

As per claim 2, Tiedemann, Jr. et al. do not disclose a method according to claim 1, further comprising the step of extending trust-based credit to the user based upon at least one of the user's payment history, the user's usage history, and the user's credit history.

However, Daniels discloses that still other subscribers may be frequent roammers with an established credit history and thus can be allowed to roam everywhere in North America, without the need for additional authentication. Less frequent roaming subscribers may be allowed to roam in specific service areas across North America (col. 5, lines 2-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et. al to include the feature of Daniels in order to reduce the credit risk for the providers.

As per claims 3-4, Tiedemann et al. do not disclose a method according to claim 2, wherein the step of extending trust-based credit to the user comprises linearly

predicting the user will pay for the requested communications service based upon at least one of the user's payment history, the user's usage history, and the user's credit history.

However, Daniels discloses that still other subscribers may be frequent roammers with an established credit history and thus can be allowed to roam everywhere in North America, without the need for additional authentication. Less frequent roaming subscribers may be allowed to roam in specific service areas across North America (col. 5, lines 2-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et. al to include the feature of Daniels in order to reduce the credit risk for the providers.

**7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. et. al (US Patent Number 5,862,471), in view of Guilford et al. (US PG Pub. 2002/0087674), still in further view of Daniels (US Patent Number 6,058,301).**

As per claim 16, Tiedemann, Jr. et al. do not disclose a method according to claim 1, further comprising the step of extending trust-based credit to the user based upon at least one of the user's payment history, the user's usage history, and the user's credit history.

However, Daniels discloses that still other subscribers may be frequent roammers with an established credit history and thus can be allowed to roam everywhere in North

America, without the need for additional authentication. Less frequent roaming subscribers may be allowed to roam in specific service areas across North America (col. 5, lines 2-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et. al to include the feature of Guilford et al. and Daniels in order to reduce the credit risk for the service providers.

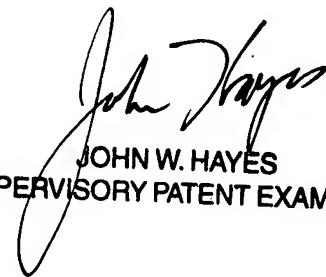
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday -Wednesday and Friday, 10:00 AM -6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 07/20/2007



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER